



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 27, 1993

Mr. Todd Stewart
Olson & Olson Attorneys at Law
Three Allen Center
333 Clay Street, Suite 3485
Houston, Texas 77002

OR93-576

Dear Mr. Stewart:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former article 6252-17a, V.T.C.S.).¹ Your request was assigned ID# 22279.

The City of Missouri City (the "city"), which you represent, has received a request for information "related to the theft of guns and other property from the Missouri City property room and evidence room." You contend that Government Code section 552.108 excepts the requested information from disclosure.

Section 552.108 provides:

- (a) a record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021.
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021.

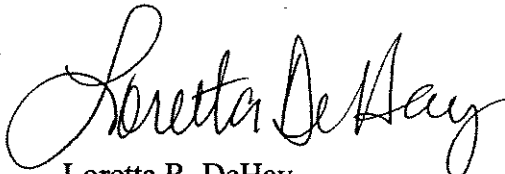
¹We note that V.T.C.S. article 6252-17a was repealed by the 73d Legislature. Acts 1993, 73d Leg. ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

To determine whether this exception applies to a request for information, we distinguish between cases that are under active investigation and those that are closed. In cases that are under active investigation, section 552.108 exempts from disclosure all information except that normally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

You state that the criminal investigation to which this request for information relates is still under active investigation both by the city and by the district attorney's office. Therefore, most of the information may be withheld from disclosure except for the type of information normally found on the front page of an offense report. We have enclosed a copy of Open Records Decision No. 127, which lists the types of information that are considered public under the Open Records Act and which must be disclosed.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/rho

Ref.: ID# 22279

Enclosures: Open Records Decision No. 127
Submitted documents

cc: Ms. Jocelyn Lane
Reporter
KRIV-TV
P.O. Box 22810
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(w/o enclosures)